

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

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MISTY BLANCHETTE PORTER,

Plaintiff,

v.

Case No. 5:17-cv-194

DARTMOUTH-HITCHCOCK MEDICAL  
CENTER, DARTMOUTH-HITCHCOCK  
CLINIC, MARY HITCHCOCK MEMORIAL  
HOSPITAL and DARTMOUTH-HITCHCOCK  
HEALTH,

Defendants.

**ORDER RE: APPOINTMENT OF SPECIAL SETTLEMENT MASTER**

Pursuant to F.R.Civ.P. 41(b), the court gives notice of its intent to appoint a special settlement master.

The duties of the settlement master are to make certain that the parties have a full opportunity during the life of the case to discuss potential settlement of the case. The settlement master may serve as a mediator or, at the parties' request, facilitate the selection of a third-party as mediator. The court expressly requests that the settlement master provide the court with only general information about the progress of any settlement discussions and decline to share details or specific information about the parties' positions.

The court authorizes the settlement master to speak on an ex parte basis with the parties as well as the court. The settlement master will maintain the confidentiality of these discussions, including the private discussions he or she has with one party. The court recommends that the settlement master speak not just to the legal teams but also to the principals of the parties in the presence of their counsel.

The settlement master shall be compensated at his or her normal hourly rate, not to exceed \$600 per hour, plus reasonable expenses. Compensation is authorized for time spent by the settlement master only. Each side shall be responsible for half. Payments shall be made directly to the settlement master and without delay as statements are received.

The court has in mind mediator John Schraven, 7 Stewart St., Fairfax, VT. Mr. Schraven is a skilled mediator who previously served with distinction as the court's settlement master in *Sullivan v. Saint-Gobain Performance Plastic Corporation*, civil action no. 5:16-cv-125 (the Bennington groundwater contamination case). Mr. Schraven was primarily responsible for bringing the parties to a settlement in that complex class action. Between approximately 1986 and 2002, the court worked closely with Mr. Schraven in the law firm of O'Neill Crawford & Green where I learned to admire Mr. Schraven's careful study and practice of the art of negotiation.

The court requests that within ten (10) days, Mr. Schraven file an affidavit pursuant to F.R.Civ.P. 41(b)(3) disclosing any actual or potential conflict involving the attorneys or parties in this case. The affidavit may be filed under seal so as not to reveal private information about firm representation.

Both parties may file objections or any other response to this potential appointment not later than April 15, 2024. A response may include proposing a different candidate. The court has experienced consistent success by appointing a settlement master early and following up from time to time to make certain that there are no obstacles to negotiations between the parties. The court will take no offense if the parties prefer a different person. The main thing is to get a settlement master in place in the months that remain before trial.

Dated at Burlington, in the District of Vermont, this 7<sup>th</sup> day of March, 2024.

  
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Chief Judge, U.S. District Court